

**From:** Artur Niyazov  
**To:** Microsoft ATR  
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To Whom It May Concern:

It seems like the proposed settlement for Microsoft antitrust trial is flawed. Because of many different legal loopholes in it, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage.

A great analysis of flaws in the proposed settlement could be found here: <http://www.kegel.com/remedy/remedy2.html> . Below are my main complains about the settlement:

1) Microsoft's APIs, file formats, and protocols.

The complete documentation for these must be made public and be updated in a timely manner. Closed APIs and file formats are a major barrier to entry, since virtually no company can afford to convert its existing documents into a new format. Currently anyone using Microsoft products is effectively "locked in" to those products because they cannot be easily converted to another format. While some attempts had been made to produce programs and/or libraries that can read and write files in Microsoft's formats, they are only partially compatible and usually fail on complex documents. The main reasons for this are undocumented changes in Microsoft APIs and lack of complete documentation. Anything that can be done to reduce this barrier can only help to create more opportunity in the market.

2) Microsoft's business practices.

Microsoft must not be allowed to enter into deals

with OEMs, ISPs,  
or other businesses that would create disincentives or  
prohibit those  
companies from offering non-Microsoft products or  
services to their  
customers. Since the vast majority of the desktop  
computing world currently  
uses Microsoft products, OEMs, ISPs, and others must  
be able to offer  
those products to consumers. Allowing Microsoft to  
continue to take  
advantage of that situation by prohibiting those  
companies from offering  
alternatives effectively means allowing Microsoft to  
continue to hold the  
industry hostage.

### 3) Microsoft's attempts to extend their monopoly in new markets \*

Microsoft attempted (often successfully) to extend  
their monopoly  
in several new markets already, using the same  
monopolistic tactics.  
Most prominent examples are:

- \* Microsoft .NET and MS's plans to force  
everybody to sign for a  
MS Passport (which has already been proven to be a  
very insecure  
system), and also to sabotage development Sun  
Microsystems' Java language on  
Windows platform in favor of their own ".NET" system.

- \* Audio/Video market, where Microsoft used their  
OS monopoly to  
push products like Windows Media Player and gain  
unfair advantage over  
competitors such as Real Player and QuickTime

- \* The failed attempt to turn an educational  
lawsuit into a way to  
inject their software into yet another market

If these concerns are addressed by the eventual  
settlement or court  
ruling, they should remove most of Microsoft's ability  
to abuse it's  
monopoly power to the detriment of the industry. I

feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Sincerely,

Arthur Niyazov  
Freelance Developer

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